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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,200	09/09/2004	Hermann Schomberg	DE 020067	4901

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

MIDKIFF, ANASTASIA

ART UNIT PAPER NUMBER

2882

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/507,200

Applicant(s)

SCHOMBERG, HERMANN

Examiner

Anastasia Midkiff

Art Unit

2882

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) _____
13. ☐ Other: _____


EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER

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Continuation of 11. does NOT place the application in condition for allowance because: With respect to the 35 USC 101 rejections of Claim 11 and the Drawing objections, Applicant asserts that the controller (11) shown in the Figures and described in the specification on Pages 2 and 4, (see Applicant's Remarks filed 06 Oct 2006) discloses a structure that entails a computer-readable medium insofar as "functional descriptive material is recorded on some computer readable medium". The Examiner respectfully disagrees.

Claim 11 specifically recites a computer readable medium with a computer program executable by a computer to perform a method. The specification refers to a controller for controlling positions of an x-ray source and x-ray detector; however, it does not disclose, either in the specification or drawings, a computer component or computer-readable medium associated with said controller. Functional descriptive material includes data structures and programs which impart functionality when employed as a computer component. wherein the controller is not involved in any image processing or other function that would inherently require a processor or computer-readable medium, and no such computer component is shown in the figures or specification to be integrated into the controller.

With respect to the 35 USC 103(a) rejections of Claims 1-20 as unpatentable over Caugant in view of Roos, Applicant asserts that Caugant does not teach, "means (12, 14, 15) for changing the position and/or the orientation of the x-ray detector (3) relative to the x-ray source(2)". The Examiner respectfully disagrees.

Caugant teaches separate rail and rotational systems for the source (124) and detector (125), wherein either the orientation of the detector relative to the source may be changed rotationally (Column 6, Lines 11-34), or the position of the detector with respect to the source may be changed, either vertically (to telescope, see Abstract and Column 6 Lines 48-51) or longitudinally in a direction orthogonal to the source translation (along 131 in Figure 2, and Column 5 Lines 36-48) to align receiver with an organ of interest.

Therefore, all rejections to Claims 1-20, and the objection to the drawings, are maintained .